

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12562 of Yves Fedrigo, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to permit a restaurant in the C-2-A District at the premises 713 - 8th Street, S.E., (Square 904, Lot 830).

HEARING DATE: January 18, 1978
DECISION DATE: February 1, 1978

FINDINGS OF FACT:

1. The subject property is located at 713 - 8th Street, S. E. and is in a C-2-A District.
2. The subejct lot is 2,727 square feet in area and is improved with a two story brick structure. The structure occupies essentially 100 percent of the lot and was constructed prior to May 12, 1958 the effective date of the current Zoning Regulations.
3. The first floor has a Certificate of Occupancy, No. B-86948, issued February 20, 1974 allowing the first floor to be used for "repair and refinish and wood shop, retail sales for plumbing and woodwork incidental to shop and plumbing." There is no Certificate of Occupancy describing the use of the second floor.
4. Approximately three-quarters of the second floor was used as a residence, while the remaining twenty-five percent of the second floor had a history of commercial uses.
5. Creative Food Design is the lessee of the subject property. The lessee proposes to open a restaurant on the subject premises to be called "The Broker." It will seat one hundred persons on the first floor and sixty persons on the second floor.
6. Since the property was constructed prior to 1958, and since the first floor was used for commercial purposes, the applicant is not required to supply parking spaces for the use of the first floor. However, since there is no official record of commercial use for the second floor, the applicant must provide twelve spaces under the requirement of the Zoning Regulations.

7. The property is located in the C-2-A Commercial Zone which is a proper zone for the proposed use.

8. The parking variance for use of the second floor would not be required if proper certificates of occupancy had been obtained showing that the second floor was actually being used for commercial purposes.

9. There is existing meter parking on 8th Street, S.E., available day and night.

10. It is anticipated that most of the customers for lunch and dinner will be from the local area and that they will walk or use taxis or buses to the restaurant.

11. There was no opposition to the application. There were letters of record, in favor of the application. The Capitol Hill Restoration Society recommended that the application be granted on the grounds that a number of residents approved the variance and they did not perceive it as being substantially detrimental to the public good. The Capitol Hill Restoration Society felt that the intended use is consistent with the existing zoning and the variance could be granted without impairing the intent, purpose and integrity of the zone plan.

12. Advisory Neighborhood Commission 6B, by resolution dated January 7, 1978, recommended that the application be referred to the D. C. Department of Transportation for their consideration of whether and how it is possible to develop a parking plan for Barracks Row so that commercial development not infringe on the parking needs of residents. The Board finds that while such a study might be useful for the area as a whole, the specific issue raised in this variance application are different from general parking considerations for the neighborhood as a whole. The Board finds that this case can and should be decided on the record presented before the Board.

CONCLUSIONS OF LAW:

The Board concludes that layout of the subject structure, occupying 100 percent of the lot, makes provision of off-street parking impossible. The Board concludes that a practical difficulty stemming from the property itself is thus evident. The Board notes that the use of the second floor for restaurant purposes would be a matter-of-right if proper certificates of occupancy had been obtained in the past, and that by granting this application, the Board is not fundamentally changing the uses allowed on the second floor. The Board concludes that the recommendation of the Advisory Neighborhood Commission is not relevant to the decision of the Board, and furthermore,

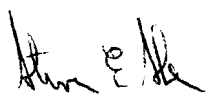
that the Advisory Neighborhood Commission did not recommend for or against the application. The Board concludes that the variance can be granted without substantial detriment to the public good. Accordingly, it is ORDERED that the application is GRANTED.

VOTE:

4-0 (William F. McIntosh, Charles R. Norris, Chloethiel Woodard Smith and Leonard L. McCants)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED By:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 21 FEB 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.